

Zoning Regulation Amendment Request Form

Howard County
Comprehensive Zoning Plan
Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the
Instructions section at the end of the form.

A. Applicant Information

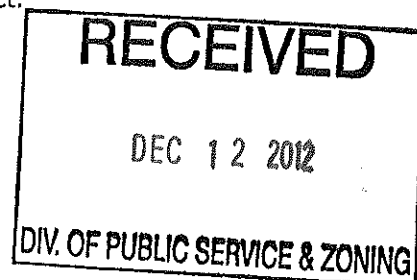
- 1 Applicant Name Executive Center Parcel D Limited Partnership
- 2 Mailing street address 1205 York Road
or Post Office Box
City, State Lutherville, Maryland
ZIP Code 21093
Telephone (Main) 410-825-8400 (Louis Mangione)
Telephone (Secondary)
Fax 410-825-8407
- 3 E-Mail louism@mfe.bz

B. Representative Information (If different than above).

- 4 Name Talkin & Oh, LLP
Mailing street address 5100 Dorsey Hall Drive
or Post Office Box
City, State Ellicott City, Maryland
ZIP 21042
Telephone (Main) 410-964-0300 (Sang Oh)
Telephone (Secondary)
Fax 410-964-2008
E-Mail soh@talkin-oh.com
- 5 Association with Applicant Attorneys

C. Brief Description of the Requested Zoning Regulation Amendment

- 6 To amend Section 115.B.21 of the Zoning Regulations to permit flex space by right in the POR district provided that the property is within 1800 feet by road of a road classified as an intermediate arterial or higher, without limiting light manufacturing uses to those permitted in the PEC district.



D. Explanation of the Basis / Justification for the Requested Zoning Regulation Amendment

- 7 The purpose of the POR district is to "permit and encourage diverse institutional, commercial, office research and cultural facilities." HOWARD COUNTY ZONING REGULATIONS § 115.A. The current POR Regulations, however, place burdensome and unnecessary restrictions on flex space, a use which is growing in both importance and demand in the region.

Policy 5.1 of PlanHoward 2030 is to "[i]dentify, develop, implement and refine a comprehensive program to foster a diversified economy and encourage innovation and entrepreneurship." PlanHoward 2030, p. 55. The County should "[f]ocus on the anticipated growth due to BRAC, Cyber Command, NSA, and other planned expansions to capture new growth." PlanHoward 2030, p. 55.

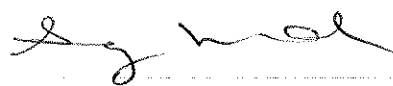
See attached Continuation Sheet.

E. List of Attachments/Exhibits

- 8 1. Exhibit – Proposed Amendment Language. 2. Continuation Sheet.

F. Signatures

9	Applicant	Louis Mangione	Applicant (2)
	Date	12/11/12	Date
<input type="checkbox"/>	Additional applicant signatures? X the box to the left and attach a separate signature page.		

10	Representative Signature	
	Date	12-12-12

DPZ Use Only	Amendment No.
Notes	

Exhibit - Proposed Amendment Language

Zoning Regulations Section 115.B.21

Flex space, provided the property is within 1800 feet by road of an interstate highway
ramp A ROAD CLASSIFIED AS AN INTERMEDIATE ARTERIAL OR HIGHER, and
provided that the light manufacturing uses are limited to those uses permitted in the
PEC District.

Continuation Sheet

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Policy 5.1 of PlanHoward 2030 is to "[i]dentify, develop, implement and refine a comprehensive program to foster a diversified economy and encourage innovation and entrepreneurship." PlanHoward 2030, p. 55. The County should "[f]ocus on the anticipated growth due to BRAC, Cyber Command, NSA, and other planned expansions to capture new growth." PlanHoward 2030, p. 55. Developments should be encouraged that target key industry market sectors with strong growth potential. "Howard County . . . holds competitive advantages in several key sectors (e.g., financial services, information technology, life science industries, and cyber security support) that may present opportunities for targeted development of high-visibility employment areas." PlanHoward 2030, p. 58-59.

The County recently commissioned a Market Analysis and Strategic Implementation Analysis of the Route 1 and Snowden River Corridors by Robert Charles Lesser & Co. (the "RCLCO Study"). As the RCLCO Study found, one form of development that should be encouraged in order to target these growth sectors is flex space.

Flex space "is a preferred product by many service industry tenants such as education, social services, and defense-supported industries and is projected to demand a consistent 200,000 – 240,000 SF annually through 2030." RCLCO Study, p. 6. Furthermore, a demand currently exists for flex space. "Howard County is home to 37M SF of industrial space, of which 32M SF is warehouse/bulk and 5.4M SF is flex office. The former exhibits a 16% vacancy rate, while the latter shows a healthy 10.7% vacancy rate." RCLCO Study, p. 9.

"Flex tenants include many high tech companies that need only a small portion of their space as actual office and require the remainder for research, development, light manufacturing, warehousing, distribution, etc." RCLCO Study, p. 9. The development of flex space would also attract government and defense industries. "Flex office is a less visible form of cybersecurity and defense-related demand but arguably has a greater impact. Most major defense contractors have as great a need for flex office as Class A." RCLCO Study, p. 9.

While the RCLCO Study focused on the Route 1 and Snowden River Corridors, its findings regarding flex space are applicable County-wide. Flex space serves the purposes of the POR district and the planning goals of PlanHoward 2030. It is a use that should be encouraged, not stymied.

Limiting flex space for POR zoned properties to those close to an interstate highway ramp significantly reduces the ability of the County to capture anticipated high growth industries. Instead, by allowing flex space in close proximity to intermediate arterial roadways, as is proposed through the instant regulations amendment, the number of POR zoned properties in which flex is permitted would be increased while still ensuring that flex space is only permitted near major roadways with the capacity to handle traffic from such developments.

Furthermore, limiting the light industrial uses permitted for flex space to those permitted by right in the PEC district also unnecessarily reduces the number of high growth sectors that POR flex space can

attract. By definition, flex space only permits light industrial uses, rather than more intense industrial uses that could adversely affect surrounding properties. HOWARD COUNTY ZONING REGULATIONS § 103.A.86. Furthermore, the POR district permits by right "research and development establishments," without any limitations on such uses. HOWARD COUNTY ZONING REGULATIONS § 115.B.35. Research and development laboratories are defined as "[a] structure or group of structures used primarily for applied and developmental research, where product testing is an integral part of the operation and goods or products *may be manufactured as necessary* for testing, evaluation and test marketing" (emphasis added). HOWARD COUNTY ZONING REGULATIONS §§ 103.A.159.

Limiting the light industrial uses of one POR permitted use (flex space) while allowing all manufacturing uses for another (research and development) evidences the unnecessary nature of this flex space limitation. Instead, flex space industrial uses should be limited by the current definition of flex space, which will appropriately prevent the industrial uses that could negatively impact vicinal properties while still permitting other flex uses that are in high demand.